

**THURSDAY, MARCH 3, 1988**

**SIXTY-FIFTH LEGISLATIVE DAY**

The House met at 9:00 A.M. and was called to order by Mr. Speaker Murray.

The proceedings were opened with prayer by Father Joseph Breen, St. Edwards Catholic Church, Nashville, Tennessee, guest of Representative Victor Ellis.

Representative Victor Ellis led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present ..... 96

Representatives present were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray -- 96.

The Speaker announced that Representative Turner (Hamilton) was excused because of illness.

The Speaker announced that Representative Whitson was excused because of business.

The Speaker announced that Representative Winningham was excused for personal reasons.

**RULES SUSPENDED**

Rep. Love moved that the rules be suspended for the purpose of introducing Senate Joint Resolution 380 out of order, which motion prevailed.

**Senate Joint Resolution 0380** -- Memorials, Condolence -- Honors the memory of William DeBerry McKissack.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Love, the resolution was concurred in.

A motion to reconsider was tabled.

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**REGULAR CALENDAR**

**House Bill No. 1865** -- Local Government -- Permits chief officers of local governments to request emergency assistance. Amends TCA, Title 58, Ch. 2, Pt. 6.

On motion, House Bill No. 1865 was made to conform with Senate Bill No. 1676.

On motion, **Senate Bill No. 1676**, on same subject, was substituted for House Bill No. 1865.

Rep. Miller moved passage of Senate Bill No. 1676 on third and final consideration, which motion prevailed by the following vote:

Ayes .....	92
Noes .....	0

Representatives voting aye were: Bell, Bewley, Bivens, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensey, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Wix, Wolfe, Wood, and Yelton. -- 92.

A motion to reconsider was tabled.

**\*House Bill No. 2057** -- Election Laws -- Requires closure of certain public schools on certain election days. Amends TCA, Titles 2, 49.

On motion of Rep. Dixon House Bill No. 2057 was reset to the calendar for Thursday, March 17, 1988.

**\*House Bill No. 1962** -- Correctional Programs -- Revises procedures for certain release programs. Amends TCA, Title 41, Ch. 21.

Rep. Naifeh moved that House Bill No. 1962 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	87
Noes .....	7

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Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Herron, Hillis, Holcomb, Hurley, Huskey, Ivy, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stallings, Starnes, Swann, Tankersley, Tanner, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray -- 87.

Representatives voting no were: Davis (Gibson), Henry, Hobbs, Holt, Jackson, Moore (Shelby) and Stafford -- 7.

A motion to reconsider was tabled.

**\*House Bill No. 1963 -- Prisoners and Inmates --** Permits prisoners sentenced to department but held in county jails to participate in academic, vocational and work-related programs and receive sentence credits. Amends TCA, Title 41.

Rep. Naifeh moved that House Bill No. 1963 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	93
Noes .....	0
Present and Not Voting .....	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray -- 93.

Representative present and not voting was: Good -- 1.

A motion to reconsider was tabled.

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**House Bill No. 2407 -- Employees, Employers -- Creates sick leave bank for legislative employees. Amends TCA, Title 8.**

Rep. Naifeh moved that House Bill No. 2407 be passed on third and final consideration.

Rep. Miller moved to amend as follows:

**Amendment No. 1**

Amend House Bill No. 2407 by deleting the amendatory language of Section 1 in its entirety and substituting instead the following new amendatory language:

Section \_\_\_\_ (a) In addition to any other sick leave bank established for state employees, there is hereby established the sick leave bank for the employees of the legislative branch of the state government of Tennessee. Sick leave accumulated by such employees pursuant to the provisions of Tennessee Code Annotated, Section 8-50-101 or otherwise, may be donated to the bank. The legislative sick leave bank shall be for catastrophic or acute illnesses for full-time legislative employees, but participation in such sick leave bank shall not prohibit or restrict any legislative employee from participation in any other sick leave bank for state employees.

(b) The speaker of the senate and the speaker of the house of representatives may establish a sick leave bank upon petition of ten (10) legislative employees requesting the establishment of a sick leave bank and upon approval of a sick leave bank plan.

(c)(1) The sick leave bank shall be administrated by an advisory group composed of the director of legislative administration or designee, the director of legal services or designee, the executive director of fiscal review or designee, a full time senate employee appointed by the speaker of the senate, and a full time house employee appointed by the speaker of the house of representatives. Any designee shall be approved by the speakers.

(2) The advisory group shall approve or reject each request for additional sick leave.

(3) Such group shall prepare and submit to the speakers a sick leave bank plan for the operation of such bank within fifteen (15) days of the establishment of such bank. Such plan shall include, but not be limited to, (1) eligibility and procedural requirements for application for and granting of bank sick leave days; (2) a requirement that an individual exhaust all accumulated sick leave, annual leave and compensatory leave time before utilizing sick leave bank time; (3) procedures for an employee to make specific sick leave contributions for and designations of the recipients of such leave; (4) amount of time which may be withdrawn

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from the bank by one (1) employee on account of one illness; (5) procedures for returning donated sick leave to the donors; and (6) procedures and forms for the operation of the bank. The group shall consider written suggestions of legislative employees in the development of the plan and in changes to the plan prior to submitting them to the speakers.

(d) All records of the sick leave bank and minutes of advisory group meetings shall be kept by the office of legislative administration.

On motion, the amendment was adopted.

Thereupon, Rep. Naifeh moved that House Bill No. 2407, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	92
Noes .....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensey, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray -- 92.

A motion to reconsider was tabled.

**\*House Bill No. 1957 -- Agriculture and Horticulture --** Adds certain definitions to commercial fertilizer law; establishes penalty for certain deficiencies. Amends TCA, Title 43, Ch. 11.

Rep. Stallings moved that House Bill No. 1957 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	92
Noes .....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon,

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Drew, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray -- 92.

A motion to reconsider was tabled.

**\*House Bill No. 1959 -- Pest Control --** Revises license requirements for pesticide applicators. Amends TCA, Title 62, Ch. 21.

Rep. Stallings moved that House Bill No. 1959 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	94
Noes .....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Crain, Cross, Curles, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray -- 94.

A motion to reconsider was tabled.

**\*House Bill No. 1805 -- Bonding, Surety and Professional --** Exempts certain manufacturers of manufactured homes from the surety bond requirement in certain circumstances. Amends TCA 68-36-206.

Rep. Cross moved that House Bill No. 1805 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	95
Noes .....	0

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Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensey, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray -- 95.

A motion to reconsider was tabled.

**House Bill No. 1725 -- Wine, Wineries --** Revises certain provisions relative to the production and sale of wine by wineries. Amends TCA 57-3-207.

On motion of Rep. DePriest, House Bill No. 1725 was reset to the calendar for Thursday, March 10, 1988.

**House Bill No. 1874 -- Licenses --** Requires tattoo artists and tattoo parlors to be licensed.

Rep. Wood moved that House Bill No. 1874 be passed on third and final consideration, which motion prevailed by the following vote:

Rep. Starnes moved to amend as follows:

**Amendment No. 1**

Amend House Bill No. 1874 by deleting Sections 1 through 7 and substituting instead the following:

**SECTION 1.** As used in this act, unless the context requires otherwise, the following words mean:

- (1) "Permit" means a permit issued under the provisions of this act to any person owning or operating a tattoo establishment or engaging in the practice or business of tattooing, as a tattoo operator or as a tattoo artist.
- (2) "Tattoo or Tattooing" means to mark or color the skin by pricking in color matter so as to form indelible marks or figures or by producing scar tissue.
- (3) "Tattoo artist" means any person who performs tattooing.
- (4) "Tattoo establishment" means any room or space where tattooing is performed or where the business of tattooing, or any part thereof, is conducted. The term is synonymous with "tattoo parlor".

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(5) "Tattoo operator" means any person who controls, operates, conducts, or manages any tattoo establishment, whether actually tattooing or not.

(6) "Patron or Customer" means any person who enters a tattoo establishment and obtains a tattoo while in such establishment.

SECTION 2. No person shall own or operate a tattoo establishment or engage in the practice or business of tattooing as a tattoo operator or as a tattoo artist unless such person shall first obtain a permit from the local health department or its duly authorized agent. Applications for such permit shall be made in writing on a form prescribed by the local health department, wherein the applicant shall agree to conform to all laws, ordinances, rules and regulations governing such places and to authorize and permit such examination and inspection as may be necessary by the local health department or its duly authorized agent.

SECTION 3. Before a permit to operate a tattoo establishment is granted, it shall be the duty of the local health department or its duly authorized agent to cause an inspection to be made of the premises in which the business is to be conducted and to refuse such permit if the condition of the premises or its equipment does not conform to the requirements of this act, but if the same does conform to the requirements of this act, the local health department or its duly authorized agent shall issue the permit requested.

SECTION 4. Each tattoo operator or tattoo artist shall, before receiving a permit to operate a tattoo establishment, undergo a training program approved by the local health department in methods and techniques for the proper sterilization of instruments and materials used in tattooing, or present acceptable evidence of having satisfactorily completed a course of instruction in sterilization techniques and methods. The tattoo operator and/or tattoo artist shall be required to take and pass an examination concerning the provision of this act before a permit shall be issued. Such examination shall be in a manner prescribed by the local health department. The fee for such permit shall be fifty dollars (\$50.00).

SECTION 5. All permits issued pursuant to this act shall, unless revoked as hereinafter set forth, expire on December 31, following the date of issuance. Permits shall be renewed by payment of an annual fee of fifty dollars (\$50.00).

SECTION 6. All permits required by this act shall be issued in the name of the individual person applying therefore, shall give the location of the tattoo establishment where such applicant will operate, and shall not be transferable.

SECTION 7. It shall be the duty of the owner or operator of a tattoo establishment or the tattoo artist or operator to post the current permit in a conspicuous place where it may be readily observed by the public.



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**SECTION 8.** It shall be the duty of the local health department to cause inspections to be made on a recurring basis, at least semi-annually, of all tattoo establishments and the equipment thereof. If any such place of business is not maintained, conducted or operated in conformity with the requirements of this act, the local health department may suspend or revoke the permit of the owner, operator, or artist until such tattoo establishment and the operation thereof is made to conform to the requirements of this act.

**SECTION 9.** No tattoo operator or tattoo artist shall tattoo any person who is under the age of eighteen (18) as prohibited in Tennessee Code Annotated, Section 39-4-421.

**SECTION 10.** Records of each patron or customer shall be kept and maintained by the owner, operator, or artist of each tattoo establishment, which records shall contain the name, address and the signature of each patron or customer. All records shall be available for inspection upon request of the local health department, or its duly authorized representative. Records shall be maintained for a minimum of two (2) years.

**SECTION 11.** No tattoo operator or tattoo artist shall remove or attempt to remove any tattoo.

**SECTION 12.** Any person who does not obtain a permit as required in Section 2 or whose permit has been revoked or suspended and continues to tattoo or operate a tattoo establishment, shall upon conviction be subject to a fine of fifty dollars (\$50.00). The local health department shall revoke the permit of any person who shall be convicted on two (2) separate occasions within a twenty-four (24) month period of violating any of the provisions of this act.

**SECTION 13.** Each tattoo establishment shall have an operating room which shall be separate and apart from a waiting room and a public room or rooms that may be used for other than tattooing purposes. Patrons or customers shall be tattooed only in the operating room. The operating room shall be equipped with hot and cold running, potable water, together with such sinks and basins as may be necessary. Furniture and furnishings used within the operating room shall be constructed of such materials as to permit proper cleansing with hot or cold disinfecting solutions.

**SECTION 14.** There shall be available within the tattoo establishment adequate hot and cold, potable running water, soap, germicidal solution, individual hand scrub brushes, and fingernail files for each tattoo artist. Each tattoo artist shall scrub his hands and forearms with soap and water, using an individual hand brush, clean his fingernails with an individual file and thoroughly rinse his hands in a germicidal solution before working on each patron or customer. An individual disposable towel or napkin shall be used for drying the tattoo artist's hands and arms after rinsing. Each tattoo artist engaged in tattooing shall wear sterile surgical gloves and a clean gown or coat.

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**SECTION 15.** Tattoo instruments and accessories, dyes, stencils and other materials used in tattooing that come into contact with the patron or customer shall be stored in closed cabinets which shall be maintained in a sanitary condition. Instruments used in tattooing shall be sterilized following use on an individual patron and prior to use on another individual.

**SECTION 16.** The floor of the operating room of the tattoo establishment shall be constructed of impervious materials and shall be, at all times, maintained in a clean condition. The walls and ceilings of the operating room shall be of light color, shall be maintained in good repair without flaking or chipping and shall be of such materials as to permit cleaning.

**SECTION 17.** The tattoo establishment shall have proper facilities for the disposal of soiled waste materials. Sufficient toilet, urinal and handwashing facilities as provided by the plumbing ordinance shall be accessible to customers, patrons, operators and artists within the tattoo establishment.

**SECTION 18.** When it is necessary to shave the area to be tattooed, a new blade for each patron or customer shall be used when a safety razor is employed, and the permanent part of such razor shall be treated as hereinafter set forth for the care of the straight razor. If a straight razor is used, it shall be cleaned with soap and water, rinsed in clean water and then sterilized for fifteen (15) minutes, at fifteen (15) pounds pressure at one hundred twenty-one (121) degrees celsius or two hundred fifty (250) degrees fahrenheit in an autoclave, sterilizer, or other equipment providing equal viricidal conditions as approved by the local health department. After shaving the area to be tattooed, or if the area does not need to be shaved, the site of the tattoo shall be cleaned with soap and water, rinsed with clean water, and germicidal solution applied in a sanitary manner before the design is placed on the skin. Other sterile, individual towels or gauze shall be used in preparing the site to be tattooed, and properly disposed of after use on each patron or customer.

**SECTION 19.** The stencil for transferring the design to the skin shall be thoroughly cleaned and rinsed in a germicidal solution approved by the local health department following each use and shall be maintained in a clean, sanitary condition.

**SECTION 20.** A sterile set of needles shall be used for each patron or customer. Needles used in tattooing shall be sterilized for fifteen (15) minutes, at fifteen (15) pounds pressure at one hundred twenty-one (121) degrees celsius or two hundred fifty (250) degrees fahrenheit in an autoclave, sterilizer or other equipment providing equal viricidal conditions, as approved by the local health department, after each use and, if not immediately used, stored in sterile containers. The open end of the needle tube of the tattooing

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machine shall be cleaned and sterilized in a similar method after use. Excess dye applied to the skin shall be removed with individual sterile gauze pads or sterile cotton only. After tattooing, the remaining unused dye or pigment in the single-service or individual containers must be discarded. The area tattooed shall then be allowed to dry and the entire site covered with a sterile gauze dressing, and fastened with adhesive.

SECTION 21. After each tattooing, written instructions, approved by the local health department, shall be given to each patron or customer on the care of the skin of the tattooed site to prevent infection. A copy of these instructions shall also be posted in a conspicuous place in the tattoo establishment, clearly visible to the customer or patron being tattooed.

SECTION 22. Each tattoo establishment shall be equipped with a sterilizing device approved by the local health department.

SECTION 23. This act shall not apply to any physician who is licensed to practice medicine in the state of Tennessee.

SECTION 24. Any county may adopt the provisions of this act by a two-thirds (2/3) vote of its county legislative body. The presiding officer shall announce its approval or nonapproval and certify its passage to the secretary of state.

SECTION 25. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, the amendment was adopted.

Thereupon, Rep. Wood moved that House Bill No. 1874, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	95
Noes .....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Ellis, Frensey, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray -- 95.

A motion to reconsider was tabled.

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**House Bill No. 2154 -- Mental Illness --** Revises certain requirements relative to the development of certain plans by community mental health centers. Amends TCA, Title 33, Ch. 2, Pt. 6.

Rep. Duer moved that House Bill No. 2154 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	96
Noes .....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensey, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray -- 96.

A motion to reconsider was tabled.

**House Bill No. 1752 -- Education --** Prohibits use of volunteer public education trust money for anything except public education. Amends TCA, Title 49, Ch. 3, Pt. 4.

Rep. Starnes moved that House Bill No. 1752 be passed on third and final consideration.

Rep. Bell moved to amend as follows:

**Amendment No. 1**

Amend House Bill No. 1752 by deleting from the amendatory language in Section 2 the second sentence in its entirety, and substituting instead the following:

• The corporation shall have such powers as are necessary to carry out the intent of this Part, including, though not limited to, the solicitation of contributions and disbursement of funds.

On motion, the amendment was adopted.

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Thereupon, Rep. Starnes moved that House Bill No. 1752, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	93
Noes .....	0
Present and Not Voting .....	2

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Tankersley, Tanner, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray -- 93.

Representatives present and not voting were: Nance and Swann -- 2.

A motion to reconsider was tabled.

**\*House Bill No. 2391 -- Motor Vehicles, Titling and Registration --** Authorizes issuance of decals and placards for deaf persons. Amends TCA, Title 55, Ch. 21.

Rep. Starnes moved that House Bill No. 2391 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	95
Noes .....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs,

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Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray -- 95.

A motion to reconsider was tabled.

**House Bill No. 2390 -- Contractors --** Revises the definition of contracting under the Contractors Licensing Act of 1976. Amends TCA 62-6-102.

Rep. Starnes moved that House Bill No. 2390 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	95
Noes .....	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray -- 95.

Representative voting no was: Long -- 1.

A motion to reconsider was tabled.

**House Bill No. 1859 -- Dentists --** Revises provisions concerning licensing of and practice of dentistry. Amends TCA 63-5-105, 108--110, 112--115, 124.

On motion of Rep. Scruggs House Bill No. 1859 was reset to the calendar for Monday, March 7, 1988.

**House Bill No. 2294 -- Education --** Requires preschool education and early childhood special education teachers to have licenses. Amends TCA 49-5-403.

At the request of Rep. B. Turner (Hamilton), House Bill No. 2294 was reset to the calendar for Monday, March 7, 1988.

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**\*House Joint Resolution 0470 --** Memorials, Government Officials -- Requests TVA to consider water needs of municipalities in reassessing its policies relative to downstream water releases.

Rep. Montgomery moved that House Joint Resolution No. 470 be adopted which motion prevailed by the following vote:

Ayes .....	95
Noes .....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray -- 95.

A motion to reconsider was tabled.

**House Bill No. 1621 --** Health and Environment, Dept. of -- Establishes maximum permit and inspection fees for regulation of travel camps. Amends TCA, Title 68.

Rep. Duer moved that House Bill No. 1621 be passed on third and final consideration.

Rep. Miller moved to amend as follows:

**Amendment No. 1**

Amend House Bill No. 1621 by deleting all the existing language following the enacting clause and by substituting instead the following:

**SECTION 1.** Tennessee Code Annotated, Section 68-28-101, is amended by deleting the present language which reads as follows:

(4) "Person" means any and all persons, including any individual, firm or association, any municipal or private corporation organized or existing under the laws of this or any other state; and by substituting instead the following:

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(4) "Person" means any and all persons, including any individual, firm or association, any municipal or private corporation organized or existing under the laws of this or any other state, state, municipality, commission, political subdivision of a state, any interstate body and governmental agency of this state and any department, agency or instrumentality of the executive, legislative, and judicial branches of the federal government;

Tennessee Code Annotated, Section 68-28-101, is further amended by deleting the period at the end of item (5) and replacing it with the punctuation and word ", and".

Tennessee Code Annotated, Section 68-28-101, is further amended by adding the following new subsection:

(6) "Travel camp" means any organized camp in which provisions are made for the accommodation of travel trailers, truck coaches or campers, tent campers, tents, and other camping vehicles.

SECTION 2. Tennessee Code Annotated, Section 68-28-102, is amended by adding the words "and safety" immediately following the word "health".

SECTION 3. Tennessee Code Annotated, Section 68-28-103, is amended by adding new subsections as follows:

(c) The annual permit fee to operate an organized camp in this state shall be in accordance with the following schedule:

Day Camp	\$ 50.00
Primitive Camp	\$ 50.00
Resident Camp	
0-99	\$ 50.00
100 or more	\$100.00
Travel Camp	
1-25 sites	\$ 50.00
26-75 sites	\$ 75.00
76-150 sites	\$110.00
151-250 sites	\$150.00
251 or more sites	\$200.00

As used in this subsection, the words "travel camp sites" shall mean designated camping spaces which are equipped with utility hookups.

(d) The permit fee shall be paid to the commissioner before a permit is issued for the calendar year, and the permit shall be kept and displayed in a conspicuous manner, properly framed, at the organized camp for which it was issued.



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**SECTION 4.** This act shall take effect on January 1, 1989, the public welfare requiring it.

On motion, the amendment was adopted.

Thereupon, Rep. Duer moved that House Bill No. 1621, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	93
Noes .....	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray -- 93.

Representative voting no was: Rhinehart -- 1.

A motion to reconsider was tabled.

**\*House Bill No. 1535 -- Economic and Community Development --** Requires certain agencies to file annual reports with the department of economic and community development; requires the department to compile certain data and report its analysis to the general assembly. Amends TCA, Title 4.

Rep. Love moved that House Bill No. 1535 be passed on third and final consideration.

Rep. Love moved to amend as follows:

**Amendment No. 1**

Amend House Bill No. 1535 by deleting in its entirety the amendatory language of Section 1, and by substituting instead the following language:

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Section \_\_. Each agency which receives public funding to assist small businesses shall file an annual report with the department of economic and community development. For purposes of this act "small businesses" shall mean and include businesses with a sales volume of two hundred thousand dollars (\$200,000) or less or which employs less than fifteen (15) persons. The reports filed by each such agency shall include an analysis detailing the accomplishments of the agency, including but not limited to, the number of businesses served, the status of those programs it is charged with administering, and the status of each business the agency has assisted. The office of minority business enterprise or other appropriate department, office or division of the department of economic and community development shall prepare a report to be filed with the commissioner of the department compiling an analysis of all the data required to be filed by this act by each such agency. The commissioner shall annually report the results of such data to the general assembly.

On motion, the amendment was adopted.

Rep. Love moved to amend as follows:

**Amendment No. 2**

Amend House Bill No. 1535 by adding at the end of the amendatory language of Section 1, as amended, the following language:

Nothing in this act shall require any small business as defined herein either to answer any question or to complete any form.

On motion, the amendment was adopted.

Thereupon, Rep. Love moved that House Bill No. 1535, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	95
Noes .....	0
Present and Not Voting .....	1

Representatives voting aye were: Bell, Bewley, Bivens, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frenseley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes,

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Swann, Tankersley, Tanner, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray -- 95.

Representative present and not voting was: Bragg -- 1.

A motion to reconsider was tabled.

**House Bill No. 1739** -- Taxes, Real Property -- Extends time for reappraisal of real property. Amends TCA 67-5-1601.

Further consideration of House Bill No. 1739, considered on Monday, February 29, 1988, at which time a motion was made to adopt Amendment No. 1.

Rep. Bragg renewed his motion to adopt Amendment No. 1.

**Amendment No. 1**

Amend House Bill No. 1739 by renumbering Section 2 as Section 3, and by adding the following new Section 2:

**SECTION 2.** Notwithstanding any provision of law to the contrary, the certified appraisal ratio of counties whose reappraisal is delayed by enactment of Section 1, for purposes of determining such counties' adjusted county property values under the Education Finance Act, shall be fixed at the level established for 1988 until such counties are reappraised.

On motion of Rep. Bragg, Amendment No. 1 was withdrawn.

Rep. Rhinehart moved to amend as follows:

**Amendment No. 2**

Amend House Bill No. 1739 by renumbering Section 2 to Section 3 and by adding the following new Section 2:

**SECTION 2.** Notwithstanding any provision of law to the contrary, for any county whose reappraisal date is extended by the provisions of this act, the required local contribution under the Education Finance Act shall be as follows: (a) after determining the required local contribution pursuant to Section 49-3-307, there shall be calculated a comparative local contribution using the same formula specified in Section 49-3-307, but substituting instead the certified appraisal ratios for 1988 any county whose reappraisal date is extended by this act; (b) for any county whose reappraisal date is extended by this act, the required local contribution shall be the lesser of the amount calculated pursuant to Section 49-3-307 or the amount calculated as a comparative local contribution; (c) no other county shall be required to pay a local contribution greater than that required pursuant to Section 49-3-307; (d) the state contribution shall not be greater than that calculated pursuant to

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Section 49-3-308 using the local contribution calculated pursuant to Section 49-3-307; (e) application of this section shall not result in any county's local contribution being greater than it would otherwise have been nor should it result in the total state contribution being greater than it would otherwise have been under the foundation program.

Rep. Copeland moved to amend Amendment No. 2 as follows:

**Amendment No. 1 to Amendment No. 2**

Amend House Bill No. 1739 by adding the following sentence to the end of the amendatory language:

Provided, however, no county shall pay more nor less than the amount determined according to Section 49-3-307.

On motion, Amendment No. 1 to Amendment No. 2 was adopted.

Thereupon, Rep. Rhinehart moved to adopt Amendment No. 2, as amended, which motion prevailed.

Thereupon, Rep. Bragg moved that House Bill No. 1739, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	94
Noes .....	1
Present and Not Voting .....	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner, G. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray -- 94.

Representative voting no was: Coffey -- 1.

Representative present and not voting was: Ellis -- 1.

A motion to reconsider was tabled.

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**\*House Bill No. 1445 -- Drugs --** Makes procedure to confiscate property seized during arrest a matter for courts and not Department of Safety. Amends TCA, Title 53, Ch. 11.

Rep. Davis (Knox) moved that House Bill No. 1445 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	77
Noes .....	17
Present and Not Voting .....	1

Representatives voting aye were: Bell, Bewley, Bivens, Buck, Burnett, Bushing, Byrd, Cain, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Drew, Duer, Frenseley, Gaia, Garrett, Good, Harriil, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Jackson, Jared, Jones, U. (Shelby), Kent, Kernell, King, Lawson, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Nance, Odom, Peroulas, Phillips, Pruitt, Purcell, Ridgeway, Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Stafford, Starnes, Swann, Tankersley, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, Wheeler, Williams, Wolfe, Wood, Yelton and Mr. Speaker Murray -- 77.

Representatives voting no were: Bragg, Chiles, Davidson, DeBerry, Dixon, Ellis, Ivy, Jones, R. (Shelby), Kisber, Long, Naifeh, Napier, Robinson (Davidson), Scruggs, Stallings, West and Wix -- 17.

Representative present and not voting was: Rhinehart -- 1.

A motion to reconsider was tabled.

## CONSENT CALENDAR

**House Bill No. 2203 -- Game and Fish Laws --** Prohibits buying and selling certain hides of legally killed red foxes in certain counties. Amends TCA 70-4-209.

**House Bill No. 2080 -- Recreational Areas --** Authorizes golf course development by private contractor in Chickasaw State Park. Amends TCA, Title 11.

**House Bill No. 1788 -- Conservation --** Increases area of Frozen Head State Park and makes it a Class II Natural Scientific area. Incorporates Northrup Falls in Colditz Cove. Amends TCA 11-14-108.

On motion, House Bill No. 1788 was made to conform with Senate Bill No. 1670.

On motion, ~~Senate Bill~~ **Senate Bill No. 1670**, on same subject, was substituted for House Bill No. 1788.

**\*House Joint Resolution 0464 -- Naming and Designating --** Designates bridge in Embreeville as "James D. Elliot Memorial Bridge".

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**\*House Joint Resolution 0491** -- General Assembly, Proclamations -- Proclaims 1988 as year of the native American Indian.

**House Joint Resolution 0553** -- Memorials, Congratulations -- Honors Joe M. Carter on 105th birthday.

**House Joint Resolution 0554** -- Memorials, Congratulations -- Congratulates McGavock High School Marching Band on their outstanding season.

**House Joint Resolution 0556** -- Memorials, Recognition and Thanks -- Honors horse racing track of Lincoln County Fair.

**House Joint Resolution 0557** -- Memorials, Public Service -- Honors Fred Womack for community service in Fayetteville.

**House Joint Resolution 0558** -- Naming and Designating -- Recognizes Wartrace and Walking Horse Hotel Restaurant and Stables; designates Exit 97 on I-24 as "Cradle of the Tennessee Walking Horse".

**House Joint Resolution 0559** -- Memorials, Public Service -- Honors John Keith Jackson and Mid-State Oil Company for contributions to Shelbyville community.

**House Joint Resolution 0560** -- Memorials, Personal Achievement -- Honors Johnny Patterson and wishes him success in insurance career.

**\*House Bill No. 1330** -- Marshall County -- Repeals superseded meeting dates of regular sessions of county court. Amends Repeals Chapter 128, Private Acts of 1945.

**House Bill No. 2452** -- Jackson County -- Revises various provisions relative to the Gainesboro Port Authority. Amends Chapter 320 of the Private Acts of 1974.

**House Bill No. 2458** -- Fayette County -- Revises compensation of members of board of public works. Amends Chapter 234, Private Acts of 1974.

**\*House Bill No. 2459** -- Dickson -- Authorizes Dickson County to regulate use of and speed limits on county roads.

**Senate Joint Resolution 0356** -- Memorials, Retirement -- Honors John Herron Biddle on retirement.

**Senate Joint Resolution 0357** -- Memorials, Retirement -- Honors Preston Huckleby on retirement from Tennessee Bureau of Investigation.

**Senate Joint Resolution 0358** -- Memorials, Public Service -- Honors Bessie W. Edwards for outstanding service to community.

**Senate Joint Resolution 0359** -- Memorials, Professional Achievement -- Commends Walter Martin, Jr. on musical career and work in church.

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**Senate Joint Resolution 0360** -- Memorials, Public Service -- Honors Dorothy Parrish for work in Parrish Care Home.

**Senate Joint Resolution 0362** -- Memorials, Professional Achievement -- Honors Cynthia A. Gentry for outstanding service to educational community.

**Senate Joint Resolution 0367** -- Memorials, Recognition and Thanks -- Commends Tony Hardin on service as legislative page.

**Senate Joint Resolution 0368** -- Memorials, Public Service -- Honors Jack Trayer for exemplary work in business for 61 years.

**Senate Joint Resolution 0369** -- Memorials, Congratulations -- Honors Warren County Senior High School Pioneerettes.

**OBJECTION -- CONSENT CALENDAR**

Objection was filed to the following on the Consent Calendar:

Reps. Good and Robinson (Washington) objected to House Joint Resolution No. 464.

Under the rules, House Joint Resolution No. 464 was placed at the foot of the Calendar for Monday, March 7, 1988.

Rep. Phillips moved that all House and Senate Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions on the Consent Calendar be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes .....	95
Noes .....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray -- 95.

A motion to reconsider was tabled.

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**HOUSE ACTION ON SENATE AMENDMENTS**

**House Bill No. 0616** -- Insurance, Health, Accident -- Provides insurance benefits for audiologists and speech pathologists. Amends TCA, Title 56, Ch. 7.

Rep. Wheeler moved that the House refuse to recede from its action in nonconcurring in Amendment No. 2 to House Bill No. 616, which motion prevailed.

Rep. Wheeler moved that, pursuant to House Rule No. 73, the Speaker appoint a Committee of the House to meet with a like committee from the Senate to resolve the differences between the two bodies on House Bill No. 616.

Thereupon, the Clerk was instructed to hold House Bill No. 616 on the Clerk's desk under unfinished business, pending the appointment of the Conference Committee by the Speaker.

**\*House Bill No. 1388** -- Highways, Roads and Bridges -- Requires owners of utilities located in right-of-way to relocate such utilities if necessary due to department of transportation construction.

**Senate Amendment No. 1**

Amend House Bill No. 1388 by deleting all sections after the enacting clause and substituting in lieu thereof the following new sections:

SECTION 1. The general assembly hereby declares that it is the purpose of this act to regulate the removal, relocation, or adjustment of utility facilities occupying rights-of-way of highways when construction of the department of transportation makes such removal, relocation, or adjustment necessary.

SECTION 2. As used in this act, unless the context otherwise requires:

- (1) "Construction" means the work required to construct or reconstruct a highway in accordance with the plans and specifications.
- (2) "Highway" means a highway, road, or street that will be the subject of construction pursuant to contract to be entered into between the department and a contractor.
- (3) "Department" means the department of transportation of the state.
- (4) "Owner" means owner, operator, user, or joint user of utility facilities.
- (5) "Working Days" means every day except Saturday, Sunday and national and state holidays, when conditions permit work to be performed.



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(6) "Utility Facility" means lines, pipes or other systems used, available for use, or formerly used to transmit or distribute communications, electricity, gas, liquids, steam, sewerage, or other materials.

(7) "Approximate vertical and horizontal locations of underground utility facilities" means the depth below the existing ground line in accordance with the best information available to the owner and the location on a strip of land at least four (4) feet wide but not wider than the width of the utility facility plus two (2) feet on either side of the utility facility.

(8) "Complete project plans" means the plans, including existing topography and proposed grades, which have been developed by the department for use in acquiring rights-of-way and/or negotiating with owners for installation, relocation or adjustment of utility facilities relative to construction.

**SECTION 3.** Before beginning construction, the department shall identify and notify by certified mail return receipt requested addressed to the designated representative of the owners of utility facilities which occupy or may occupy the rights-of-way of all highways described in the notice, on which construction is proposed to be performed. The department shall make every reasonable effort to identify the current and correct mailing address for each such owner, in order to give actual notice to the appropriate personnel responsible for planning such relocation or adjustment of utility facilities of each owner.

Within sixty (60) days following the receipt of such notice from the department, the owner shall inform the department, in care of the person sending such notice at the address listed therein whether or not it is the owner of such utility facilities and if so, the type of utility service, description and general location of each such facility.

For each owner to whom a notice was sent and for whom no response is received by the department within sixty (60) days as to whether or not the owner has utility facilities at the highway location described in the notice, the department shall provide a second notice by certified mail return receipt requested.

Within ten (10) days following the receipt of such second notice from the department, any owner so notified shall inform the department in care of the person sending such second notice at the address listed therein whether or not it is the owner of such utility facilities and if so, the type of utility service, description and general location of each such facility.

The failure of an owner to comply with the provisions of this section shall create a presumption that it is not such an owner and the department and its contractor may then undertake construction without liability to such owner for damages to the owner's utility facilities, and in addition, such owner shall be liable to the department's contractor for damages resulting from such failure.

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SECTION 4. When the department is informed of the existence of utility facilities pursuant to Section 3, it shall provide each such owner with at least two (2) sets of complete project plans by certified mail or hand delivery.

Within ninety (90) calendar days following the receipt of such plans, the owner shall mark thereon, or on a copy thereof, the approximate vertical and horizontal locations of underground utility facilities, approximate horizontal location of above-ground utility facilities, description of each of its existing utility facilities and any proposed new location of said facilities and additional facilities within all rights-of-way shown on the project plans, and prepare a plan and a schedule of working days to accomplish the same. The project plans, or a copy thereof and the plan and schedule of working days, shall be returned to the department in care of the person whose name and address are listed on the project plans. Should coordination with other owners be required in order for an owner to prepare a plan and schedule of working days, then additional time shall be allowed, but in no case shall such additional time exceed the original ninety (90) calendar days by more than an additional forty-five (45) calendar days.

After the owner has submitted its plan and schedule of working days, the department shall approve them if reasonable and notify the owner by certified mail of approval, and separately and reasonably in advance of the date for beginning installation, relocation or adjustment, notify the owner by certified mail of such date. No owner shall be notified to begin installation, relocation or adjustment until all health, governmental, and environmental regulatory agencies have approved the submitted plan, where applicable.

After the owner has completed the installation, relocation or adjustment, or any part thereof, and the department requires any additional relocation or adjustment, the department shall reimburse the owner for the cost thereof.

The department shall give its contractor and the owner notice of any change in highway construction which would require any additional relocation or adjustment and the owner shall be given an agreed reasonable time to accomplish such work.

The department's contractor shall be liable for any damages negligently inflicted to the owner's utility facilities occurring during the time provided for in the schedule of working days for installation, relocation or adjustment or during the agreed reasonable time for any additional relocation or adjustment.

\* If any owner fails to comply with and implement the provisions of this section, the department and its contractor may then undertake construction without liability to such owner for damages to the owner's utility facilities, and in addition, such owner shall be liable to the department's contractor for damages resulting from such failure.

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**SECTION 5.** In the event the department does not notify the owner by certified mail of its approval of the plan and schedule of working days and date for beginning installation, relocation or adjustment within one (1) year after their submission, then the owner shall be allowed to submit a revised cost estimate, when applicable, which shall be incorporated into the utility relocation contract.

**SECTION 6.** The department's engineer shall act as liaison between the owner and the department's contractor on any project to which this law is applicable.

**SECTION 7.** This act shall take effect on becoming a law, the public welfare requiring it.

**Senate Amendment No. 2**

Amend House Bill No. 1388:

1. By adding within **SECTION 2** at the end of item (8) the following sentence: Additions or changes to the plans will be given to the utilities as soon as they are available.
2. **AND FURTHER AMEND** by adding the language "or should changes to the project plans cause the utility to alter its relocation plan or schedule" between the words "days" and "then" in the second paragraph of Section 4.

Rep. Rhinehart moved that the House concur in Senate Amendments Nos. 1 and 2, which motion prevailed by the following vote.

Ayes .....	94
Noes .....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray -- 94.

A motion to reconsider was tabled.

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**UNFINISHED BUSINESS**

**SPONSORS ADDED**

Without objection, the rules were suspended to allow the following members to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 554: Reps. West, Clark added as prime sponsors.

House Bill No. 2351: Reps. Severance, Scruggs, Stafford, Peroulas, Tanner added as prime sponsors.

House Bill No. 2352: Reps. Severance, Scruggs, Stafford, Peroulas, Tanner added as prime sponsors.

**INTRODUCTION OF RESOLUTIONS**

**House Joint Resolution 0562** -- Naming and Designating -- Designates bridge in Marshall County as "Billy Pope Bridge". by \*Phillips, \*DePriest.

The Speaker referred House Joint Resolution No. 562 to the Transportation Committee.

**House Joint Resolution 0563** -- Memorials, Congratulations -- Honors Bob Green on election as Potentate of Kerbela Temple. by \*Coffey.

The Speaker referred House Joint Resolution No. 563 to the Calendar and Rules Committee.

**House Joint Resolution 0565** -- Memorials, Condolence -- Honors the memory of B. Ray Thompson, Sr. by \*Scruggs, \*Davis J K, \*May, \*Drew, \*Severance.

The Speaker referred House Joint Resolution No. 565 to the Calendar and Rules Committee.

**House Joint Resolution 0566** -- Memorials, Sports -- Honors Coach Phil Grammer and Hillwood High School football team on winning Tullahoma Lions Bowl. by \*Odom.

The Speaker referred House Joint Resolution No. 566 to the Calendar and Rules Committee.

**House Joint Resolution 0567** -- General Assembly, Studies -- Continues study committee created by HJR 63 to study campaign funding and financing. by \*Kisber, \*Naifeh, \*Scruggs, \*Burnett, McAfee.

The Speaker referred House Joint Resolution No. 567 to the State and Local Government Committee.

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**House Joint Resolution 0568** -- Naming and Designating -- Names Memphis Regional Correctional Center in honor of Mark H. Luttrell. by \*DeBerry, \*Turner C, \*Kent, \*Cain, \*Hassell, \*Naifeh, \*Jones U, \*Nance, \*Byrd, \*Tanner, Dixon, Turner L, Jones R.

The Speaker referred House Joint Resolution No. 568 to the State and Local Government Committee.

**House Joint Resolution 0569** -- Teenage Pregnancy -- Requests JTPA private industry councils to provide programs and services to pregnant teenagers and teenage parents. by \*DeBerry.

The Speaker referred House Joint Resolution No. 569 to the General Welfare Committee.

**House Joint Resolution 0570** -- Memorials, Government Officials -- Directs Tennessee Higher Education Commission to study vocational education institutions. by \*DeBerry.

The Speaker referred House Joint Resolution No. 570 to the Education Committee.

**House Joint Resolution 0571** -- Education, Dept. of -- Directs department of education to study the qualifications, caseloads, and potential impact of elementary school guidance counselors. by \*DeBerry.

The Speaker referred House Joint Resolution No. 571 to the Education Committee.

**House Joint Resolution 0572** -- Memorials, Government Officials -- Directs department of human services to study vendor day care slots. by \*DeBerry.

The Speaker referred House Joint Resolution No. 572 to the General Welfare Committee.

**House Joint Resolution 0575** -- Memorials, Sports -- Honors Coach Rod Sturdivant and Hollow Rock-Bruceton High School football team on reaching quarter final round of the TSSAA Class A state playoffs. by \*Ridgeway.

The Speaker referred House Joint Resolution No. 575 to the Calendar and Rules Committee.

**SENATE JOINT RESOLUTIONS  
(Congratulatory and Memorializing)**

**Senate Joint Resolution 0381** -- Memorials, Congratulations -- Congratulates David Letterman on sixth anniversary as host of NBC's Late Night and encourages him to visit Memphis.

The Speaker referred Senate Joint Resolution No. 381 to the Calendar and Rules Committee.

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**INTRODUCTION OF BILLS**

**House Bill No. 2461** -- Winchester -- Revises purchasing authority of Winchester Board of Public Utilities. Amends Ch. 404 Pr. Acts of 1953. by \*Murray.

Passed first consideration.

**House Bill No. 2462** -- Winchester -- Revises purchasing authority of City of Winchester. Amends Ch. 208 Pr. Acts 1963. by \*Murray.

Passed first consideration.

**House Bill No. 2463** -- Hamblen County -- Changes term and compensation for road commissioners. Amends Chapter 313, Private Acts of 1949, as amended. by \*Moody.

Passed first consideration.

**House Bill No. 2464** -- Hamilton County -- Increases term of office for county school superintendents. CAVEAT: No citation in caption or body of bill of the private act being amended. by \*Starnes.

Passed first consideration.

**SENATE BILLS ON FIRST CONSIDERATION**

**Senate Bill No. 1335** -- Wildlife Resources Commission -- Held on the Clerk's desk pending third consideration of the companion House Bill No. 1295.

**Senate Bill No. 1539** -- Traffic Safety -- Held on the Clerk's desk pending third consideration of the companion House Bill No. 1383.

**\*Senate Bill No. 1659** -- Boards and Commissions -- Held on the Clerk's desk pending third consideration of the companion House Bill No. 2092.

**\*Senate Bill No. 1672** -- Criminal Offenses -- Held on the Clerk's desk pending third consideration of the companion House Bill No. 1873.

**\*Senate Bill No. 1675** -- Health -- Held on the Clerk's desk pending third consideration of the companion House Bill No. 2003.

**\*Senate Bill No. 1724** -- Civil Procedure -- Held on the Clerk's desk pending third consideration of the companion House Bill No. 1846.

**\*Senate Bill No. 1728** -- Water Pollution -- Held on the Clerk's desk pending third consideration of the companion House Bill No. 1943.

**\*Senate Bill No. 1801** -- Insurance Companies, Agents, Brokers -- Held on the Clerk's desk pending third consideration of the companion House Bill No. 1876.

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**\*Senate Bill No. 1802** -- Insurance, Credit Life -- Held on the Clerk's desk pending third consideration of the companion House Bill No. 1877.

**\*Senate Bill No. 2118** -- Local Government -- Held on the Clerk's desk pending third consideration of the companion House Bill No. 1770.

**Senate Bill No. 2191** -- Financial Institutions, Dept. of -- Held on the Clerk's desk pending third consideration of the companion House Bill No. 1971.

**\*Senate Bill No. 2275** -- Divorce and Annulment -- Held on the Clerk's desk pending third consideration of the companion House Bill No. 2214.

**Senate Bill No. 2396** -- Bail, Bail Bonds -- Held on the Clerk's desk pending third consideration of the companion House Bill No. 2212

**HOUSE BILLS ON SECOND CONSIDERATION**

**House Bill No. 2460** -- Somerville -- Passed second consideration and held on the Clerk's desk.

**REPORT OF CHIEF ENGROSSING CLERK**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bills Nos. 1345, 1485, 1499, 1670, 1737 and 1798; and House Joint Resolutions Nos. 67, 531 and 555; for his action.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**ENGROSSED BILLS**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 1805, 1957, 1959, 1962, 1963 and 2407; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Bills Nos. 1380, 1734, 1767, 1771, 1980 and 1981; substituted for Senate Bills on same subjects and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

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**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos. 532, 533, 534, 536, 537, 538 and 539; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE GOVERNOR**

MR. SPEAKER:

I am directed by the Governor to return herewith: House Joint Resolution No. 535, with his approval.

DAVID H. WELLES,  
Counsel to the Governor.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution No. 380 for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**ENGROSSED BILLS**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill No. 2459; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Bill No. 2459; substituted for Senate Bill on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**SIGNED**

The Speaker announced that he had signed the following: House Resolution No. 89 and House Joint Resolutions Nos. 434, 436, 437, 438 and 439.



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**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Bills Nos. 1989 and 2407; substituted for Senate Bills on same subjects and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos. 550, 564 and 573; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**ENROLLED BILLS**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bill No. 2459; and find same correctly enrolled and ready for the signatures of the Speakers.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**SIGNED**

The Speaker announced that he had signed the following: House Bill No. 2459.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill No. 1692; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**ENROLLED BILLS**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 1380, 1388, 1734, 1767, 1771, 1980, 1981, 1989 and 2407; and House Joint Resolutions Nos. 532, 533, 534, 536, 537, 538, 539, 550, 564 and 573; and find same correctly enrolled and ready for the signatures of the Speakers.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**THURSDAY, MARCH 3, 1988 -- SIXTY-FIFTH LEGISLATIVE DAY**

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Bill No. 2459; signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bill No. 2459; for his action.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**ENGROSSED BILLS**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 1330, 1445, 1535, 1621, 1739, 1752, 1874, 2080, 2154, 2203, 2390, 2391, 2452 and 2458; and House Joint Resolutions Nos. 470, 491, 553, 554, 556, 557, 558, 559 and 560; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**MESSAGE FROM THE GOVERNOR**

MR. SPEAKER:

I am directed by the Governor to return herewith: House Bill No. 2459, with his approval.

DAVID H. WELLES,  
Counsel to the Governor.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Bill No. 2409:

The Senate reconsidered its action in passing the bill; adopted Amendment No. 1; then repassed the bill, as amended.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

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**SIGNED**

The speaker announced that he had signed the following: Senate Joint Resolution No. 380.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos. 1362, 1388, 1557, 1585, 1631, 1687, 1691, 1915, 1938, 2091, 2205, 2207, 2297, 2316 and 2359; all passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**\*Senate Bill No. 1362 -- Criminal Offenses --** Adds factor of age of elderly victims as element of aggravated rape; increases penalty for such offenses. Amends TCA 39-2-6003.

**\*Senate Bill No. 1388 -- Sunset Laws --** Extends termination date of Tennessee Corrections Institute, Board of Control. Amends TCA, Title 4, Chs. 1, 7, 8, 4-29-208.

**\*Senate Bill No. 1557 -- County Officers --** Establishes county's responsibility for deputy sheriffs. Amends TCA, Title 8, Ch. 8; Title 29, Ch. 29.

**\*Senate Bill No. 1585 -- Motor Vehicles --** Permits persons with certain medical problems to have auto windows tinted beyond current standards. Amends TCA, Title 55, Ch. 9.

**\*Senate Bill No. 1631 -- Election Laws --** Prohibits the use of paper ballots in counties using a punch card voting system. Amends TCA, Title 2, Ch. 5, Pt. 2; Title 2, Ch. 7, Pt. 1.

**\*Senate Bill No. 1687 -- Election Laws --** Broadens eligibility for absentee voting by mail. Amends TCA 2-6-102.

**\*Senate Bill No. 1691 -- Election Laws --** Increases pay of county election commission in Hamilton County. Amends TCA, Title 2, Ch. 12.

**\*Senate Bill No. 1915 -- Cooperatives --** Enacts "Rural Electric and Community Services Cooperative Act". Amends TCA, Title 65, Ch. 25. Repeals TCA, Title 65, Ch. 24.

**Senate Bill No. 1938 -- State Government --** Authorizes investment of state funds in certain financial instruments. Establishes collateral pool for state deposits. Amends TCA, Title 9, Ch. 4.

**\*Senate Bill No. 2091 -- Banks and Financial Institutions --** Adds Maryland and District of Columbia to region included within Tennessee Regional Reciprocal Banking Act. Amends TCA 45-12-102.

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**Senate Bill No. 2205** -- Taxes -- Updates generation skipping transfer tax by reflecting changes in federal law. Amends TCA 67-8-602, 603, 605.

**Senate Bill No. 2207** -- Revenue, Dept. of -- Creates procedure for collection of taxes when assets are conveyed illegally. Amends TCA, Title 67, Ch. 1, Pt. 14.

**\*Senate Bill No. 2297** -- Taxes, Sales -- Exempts certain railroad materials from sales tax. Amends TCA, Title 67, Ch. 6, Pts. 3, 5.

**\*Senate Bill No. 2316** -- Revenue, Dept. of -- Provides flexibility to commissioner in collection of revenue. Amends TCA 47-25-3101, 57-6-2002, 67-4-1010.

**Senate Bill No. 2359** -- Taxes, Sales -- Exempts shoppers' advertisers regardless of type of paper which are free to public. Amends TCA 67-6-329.

### **SIGNED**

The Speaker announced that he had signed the following: House Bills Nos. 1380, 1388, 1734, 1767, 1771, 1980, 1981, 1989, 2407; and House Joint Resolutions Nos. 532, 533, 534, 536, 537, 538, 539, 550, 564 and 573.

### **SIGNED**

The Speaker announced that he had signed the following: Senate Bill No. 1692.

### **SIGNED**

The Speaker announced that he had signed the following: House Bill No. 2454.

## **REPORT OF COMMITTEE ON CALENDAR AND RULES**

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Calendar for Monday, March 7, 1988: House Bills Nos. 2426, 1770, 2130, 1421, 1422, 1601, 1295, 1973, 1034, 2023, 1866, 1864, 2052, 1678, 2294, 1859; and House Joint Resolutions Nos. 495 and 464.

PHILLIPS, Chairman.

## **LOCAL BILLS TRANSMITTED TO CALENDAR AND RULES**

In accordance with **Rule No. 48**, the following local bill, having received authorization for passage by the local legislative delegation, were transmitted to the Committee on Calendar and Rules: House Bill No. 2460.

**THURSDAY, MARCH 3, 1988 -- SIXTY-FIFTH LEGISLATIVE DAY**

**REPORT OF COMMITTEE ON CALENDAR AND RULES  
CONSENT CALENDAR**

MR. SPEAKER: The officers of your Committee on Calendar and Rules beg leave to report that we have met and set the following bills on the Consent Calendar for Monday, March 7, 1988: House Bills Nos. 1413, 1781, 1974, 1976, 1773, 2192, 2240, 1869, 1877, 1700, 2386, 1917, 1327, 1584, 1904, 2460; and House Joint Resolutions Nos. 563, 565, 566, 575; and Senate Joint Resolution No. 381.

PHILLIPS, Chairman.

**REPORT OF COMMITTEE ON CALENDAR AND RULES**

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Calendar for Wednesday, March 9, 1988: House Bills Nos. 2285, 2132, 1611, 2018, 1876, 1496, 1702, 1747, 1429, 1799, 1889, 2179, 1474, 1361, 1945; and House Joint Resolution No. 450.

PHILLIPS, Chairman.

**ROLL CALL**

The roll call was taken with the following results:

Present ..... 96

Representatives present were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray -- 96.

On motion of Rep. Naifeh, the House adjourned until 5:00 P.M., Monday, March 7, 1988.